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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,686	02/06/2002	James Brian Libby	9340.965US01	8775

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EXAMINER

NGUYEN, JIMMY H

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 01/28/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,686

Applicant(s)

LIBBY ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is made in response to applicant's papers filed on 02/06/2002. Claims 1-13 are currently pending in the application. An action follows below:

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features, "a display signal" and a display signal source", of claim 1, "a digital display signal" of claims 10 and 13, "an analog display signal" of claims 11 and 12, "a plurality of sashes" of claim 4, "at least a portion of the window extends beyond the frame perimeter" of claim 6, and "the entire window extends beyond the frame perimeter" of claims 7 and 8, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 6-8 and 12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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Regarding to claims 6-8, the disclosure, when filed, does not contain sufficient information regarding to the claimed features, “at least a portion of the window extends beyond the frame perimeter”, of claim 6, “substantially the entire window extends beyond the frame perimeter”, of claim 7, and “a tab that remains within the frame perimeter when substantially the entire window extends beyond the frame perimeter”, of claim 8. The disclosure, page 3, lines 2-17, only contains information as much as recited in the claims. However, the disclosure, when filed, does not contain sufficient information regarding to how a portion of or substantially the entire third sash window 135 can extend beyond the frame perimeter 120. Moreover, if the entire third sash window 135 could extend beyond the frame perimeter 120 (i.e., all elements of the window 135 must be located out of the frame perimeter), how a window is located within the frame perimeter 120, as recited in independent claim 1, line 3, and how a tab 150 included in the window 135 remains within the frame parameter 120, as recited in claim 8. Accordingly, the disclosure, when filed, does not contain sufficient information regarding to the above underlined claimed features, so as to enable one skilled in the pertinent art to make and use the claimed invention.

Regarding to claim 12, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “the display module is adapted to receive a digital display signal and an analog display signal from the display signal source”. The disclosure, page 2, lines 18-19, only contains information as much as recited in claim 12. However, the disclosure, when filed, does not contain sufficient information regarding to a display signal source capable of generating **both** digital and analog display signals, and a display module capable of receiving **both** digital and analog display signals. It would have been obvious to a person of ordinary skill

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in the art at the time of the invention was made to recognize a conventional CRT capable of receiving an analog display signal, and a conventional LCD or a conventional plasma display panel device capable of receiving either an analog display signal or a digital display signal. In other words, a display device adapted to receive **both** digital and analog display signals is not conventional, a sufficient information regarding to this feature must be disclosed in such a way to enable one skilled in the pertinent art to make and use the claimed invention.

5. It is noted Applicant that due to the rejection under 35 USC 112 above, the following art rejections are based as best understood by the examiner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by McManigal (USPN: 5,253,051).

As per claims 1 and 13, the claimed invention reads on McManigal as follows:

McManigal discloses a window unit and a method, the window unit comprising a window frame (12) defining a frame perimeter (see figs. 1, 2 and 6), and a window including a display module (video display 10/31, see figs. 2 and 6, col. 2, lines 64-66, col. 5, line 31) adapted to receive a display signal from a display signal source (col. 1, line 61 through col. 2, line 1). The elements and steps in the claims are read in the reference.

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Regarding to claims 2 and 10, McManigal discloses that the display module is a liquid crystal display adapted to receive a digital display signal from the display signal source (col. 3, line 65 through col. 4, line 9).

Regarding to claims 3-4, as noting in fig. 6, McManigal discloses the features recited in these claims. See the description of fig. 6.

Regarding to claim 9, as noting in fig. 2, col. 5, line 25, McManigal discloses a speaker (24').

Regarding to claim 11, McManigal discloses that the display module is a CRT device conventionally adapted to receive an analog display signal from the display signal source (col. 2, lines 64-66, col. 4, lines 1-9).

Regarding to claim 12, this claim is rejected for the same reason as set forth in claims 10 and 11 above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McManigal as applied to claim 1 above.

As per claims above, as discussed in the rejection to claim 1 above, McManigal further discloses the display module located on a sash window (fig. 6). Accordingly, McManigal discloses all the claimed limitations of claims 5-8, except that McManigal does not disclose the

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window moving along a horizontal window unit axis and a tab, in the manner as recited in claims 5-8.

However, Official Notice is taken that a sash window moving along a horizontal window unit axis and a tab, in the manner as recited in claims 5-8, are well known and expected in the art. Further, the benefits of using the sash window moving along a horizontal window unit axis to provide the ventilation of within and outside the room, and using a tab to provide a user a convenient grasping device to move the sash window are well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the McManigal sash window capable of moving along a horizontal window unit axis and have included a tab, in the window unit of McManigal, because this would provide the ventilation of within and outside the room, and provide a user a convenient grasping device to move the sash window.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


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(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-03770377.

JHN
January 20, 2004



Jimmy H. Nguyen
Examiner
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